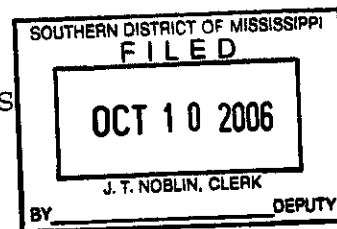


IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

No. 06-60790  
USDC No. 4:02-CV-4-TSL



U.S. COURT OF APPEALS

**FILED**

OCT 5 2006

CHARLES R. FULBRUGE III  
CLERK

JOHN H MINOR

Plaintiff - Appellant

v.

EDWARDS ELECTRIC SERVICE

Defendant - Appellee

Appeal from the United States District Court  
for the Southern District of Mississippi

Before JOLLY, DAVIS, and WIENER, Circuit Judges.

BY THE COURT:

This court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Rule 4(a)(1), Fed. R. App. P., requires that the notice of appeal in a civil case be filed within thirty days of entry of judgment. In this civil action alleging job discrimination, the district court entered final judgment dismissing the complaint on March 3, 2006. The plaintiff filed an untimely motion for reconsideration on March 20, 2006, which did not toll the time for filing a notice of appeal. Therefore, the final day for filing a timely notice of appeal was Monday, April 3, 2006, because the thirtieth day was a Sunday. See Fed. R. App. P. 26(a). The plaintiff's pro se notice of appeal is stamped as filed on August 1, 2006. The time limitation for

06-60790

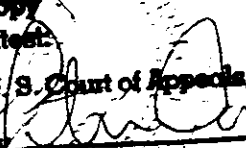
- 2 -

filing a notice of appeal is jurisdictional, and the lack of a timely notice mandates dismissal of the appeal. Robbins v. Maggio, 750 F.2d 405, 408 (5th Cir. 1985).

APPEAL DISMISSED.

A true copy  
Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By  Deputy

New Orleans, Louisiana

OCT - 5 2006